

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEFFERSON L. MILLER and
CYNTHIA L. BRAUGHTON,

Plaintiffs,

v.

AUTO CREDIT SALES and
PHOENIX FINANCIAL, LLC.,

Defendants.

NO. 2:21-CV-0319-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

BEFORE THE COURT are the Orders to Plaintiffs to submit a properly completed Application to Proceed *In Forma Pauperis* or pay the full filing fee. ECF Nos. 9, 13. Plaintiffs were warned that failure to comply would result in the dismissal of the case. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, this action is dismissed without prejudice.

1 On November 8, 2021, Plaintiffs filed a *pro se* Complaint along with an
2 insufficient application to proceed *in forma pauperis*. ECF No. 1, 2. Plaintiffs
3 were advised of the deficiencies concerning their initial application. ECF No. 4.
4 On December 15, 2021, Plaintiffs submitted a renewed Application to Proceed *In*
5 *Forma Pauperis*. ECF No. 8. This application was also deficient, and Plaintiffs
6 were instructed to file a renewed application or pay the filing fee in full, within 30-
7 days of December 17, 2021. ECF No. 9. On January 7, 2022, this Court entered a
8 text Order reminding Plaintiffs to timely file a renewed application or pay the full
9 filing fee or the case would be dismissed. ECF No. 13. Plaintiffs have done
10 neither.

11 In the meantime, Defendants moved to strike or dismiss the Complaint for
12 lack of signature. ECF No. 12. On January 7, 2022, the Court summarily denied
13 the motion because the Complaint on file contained Plaintiffs' signatures. ECF
14 No. 13. Today, Plaintiffs have filed a Response to the Motion to Strike or Dismiss
15 the Complaint. ECF No. 14. That Response is moot, the Court already denied the
16 motion.

17 Plaintiffs have still not complied with the *in forma pauperis* or filing fee
18 requirement. Parties filing actions in the United States District Court are required
19 to pay filing fees. 28 U.S.C. § 1914(a). An action may proceed without the
20 immediate payment of a filing fee only upon granting of *in forma pauperis* status.

1 See 28 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal
2 of these actions without prejudice. See *Olivares v. Marshall*, 59 F.3d 109, 112 (9th
3 Cir. 1995) (district court has authority to dismiss without prejudice prisoner
4 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890
5 (9th Cir. 1992) (affirming dismissal of appeal of *pro se* litigant for failure to pay
6 required filing fees).

7 | ACCORDINGLY, IT IS HEREBY ORDERED:

8 This action is **DISMISSED** without prejudice for failing to pay the filing fee
9 or filing a properly completed Application to Proceed *In Forma Pauperis* pursuant
10 to 28 U.S.C. §§ 1914(a) and 1915(a).

11 The District Court Executive is directed to enter this Order, enter judgment
12 accordingly, furnish a copy to the parties, and **CLOSE** the file.

13 || DATED January 19, 2022.



THOMAS O. RICE
United States District Judge